REMARKS

I. Claim Amendments

With this response, claim 1 is amended and claim 15 is cancelled. Support for the amendment to claim 1 can be found in previously pending claim 15.

II. Examiner' sComments regarding Arguments in Previous Response

On page 9 of the pending Action, the Examiner contends that the Applicant did not provide any arguments regarding the combination of references over Lundmark. The Applicant respectfully disagrees and requests the Examiner to review pages 8, 9 and 10 in their entirety of the previous response filed March 29, 2007.

III. Claim Rejections, 35 USC 103(a)

A. Claims 1, 7-8 and 15-16 are rejected under 35 USC 103(a) as being unpatentable over Lundmark (US Patent 6,174, 535). With this response, claim 15 is cancelled, thus obviating any rejection to this claim. The Applicant respectfully disagrees with this rejection with respect claims 1, 7-8 and 16, as follows.

The present invention as recited in amended claim 1, teaches, *"A honey-based wound treatment preparation comprising: 5 to 60 wt.% humectant; 30 to 40 wt.% polymeric gel based on acrylic monomers; 5 to 60 wt.% honey entrapped in said polymeric gel; 10-30 wt.% polymer, and 10-30 wt.% water wherein the honey has a peroxide number of more than 5 μg/g honey/hour, measured at a temperature of 21 °C."*

In contrast, Lundmark discloses a honey preparation for cosmetic treatment of keratinous substrates, wherein the honey is a preferred source of liquid polysaccharide. Furthermore, Lundmark discloses other possible sources of liquid polysaccharide such as

high fructose corn syrup. Thus, Lundmark *does not* teach or suggest a honey-based wound treatment...wherein the honey has a peroxide number of more than 5 ug/g honey/hour, because Lundmark teaches a preparation comprising honey that can be substituted with corn syrup. And, given corn syrup would not provide the peroxide taught by the present application, in this way, Lundmark teaches *away* from the presently claimed invention. In reference to Lundmark, the Examiner argues that if the prior art structure is capable of performing the intended use, then it meets the claim. The Applicant points out that the concentration of honey will determine its peroxide number, and that this is recited in claim 1 and is not taught or suggested in Lundmark.

The Examiner contends that the determination of a specific percentage having the optimum therapeutic effect is well within the level of one having ordinary skill in the art, and that the artisan would be motivated to optimize the amounts to get the maximum effect of the active compounds. The Applicant disagrees. One having skill in the art would not look to Lundmark's teaching of a liquid polysaccharide-based cosmetic treatment if he/she were wanting to prepare a honey-based peroxide wound treatment, and thus, in this way, Lundmark is not relevant prior art. And, given Lundmark does not discuss the peroxide in honey, routine optimization of the peroxide concentration vis a vis the honey concentration is a significant assumption in view of the Lundmark cosmetic disclosure.

In view of the above, claim 1 is patentable over Lundmark. At least by virtue of their dependency on claim 1, claims 7-8 and 16 are also patentable over Lundmark. Accordingly, the Applicant requests withdrawal of the 103(a) rejection of claims 1, 7-8 and 15-16 under 35 USC 103(a).

B. Claims 1, 7, 9-10, 12 and 19 are rejected under 35 USC 103(a) as being unpatentable over Lundmark in view of Stout (US Patent 4,671,267). The Applicant respectfully disagrees as follows.

For all reasons provided above, Lundmark does not teach or suggest a *honey-based wound treatment...wherein the honey has a peroxide number of more than 5 ug/g honey/hour,* as recited in amended claim 1. Stout discloses a moisture sorbing gel for treating wounds. Stout does not disclose treating wounds with honey having a peroxide number of 5 ug/g honey/hour. As argued in the previous response, the Applicant contends that one skilled in the art would not be motivated to combine a cosmetic lotion containing honey (Lundmark) with the wound gel disclosure of Stout. This argument aside, the sorbing gel of Stout in combination with the cosmetic lotion of Lundmark does not provide or suggest a preparation of honey having a peroxide number of 5ug/g honey/hour as recited in claim 1. Claim 1 is thus patentable over Lundmark in view of Stout. At least by virtue of their dependency on claim 1, claims 7, 9-10, 12 and 19 are also patentable over Lundmark in view of Stout. Accordingly, the Applicant requests withdrawal of the 103(a) rejection of claims 1, 7, 9-10, 12 and 19.

C. Claim 11 is rejected under 35 USC 103(a) as being unpatentable over Lundmark in view of Stout and further in view of Dell (US Patent 4,542,012). The Applicant respectfully disagrees as follows.

For all reasons provided above, Lundmark and Stout, neither separately nor in combination teach or suggest a *honey-based wound treatment...wherein the honey has a peroxide number of more than 5 ug/g honey/hour,* as recited in amended claim 1. Dell discloses "a dermatologically acceptable, film-forming composition which comprises a film-forming polymer and, as a broad spectrum

antimicrobial agent iodine which forms a complex with the film-forming polymer *(abstract)*. Dell goes on to disclose the film-forming polymer to be "a *polyvinylpyrrodlidone polymer*" (col. 2, lines 43-47). In contrast to amended claim 1, Dell does not disclose or suggest a *honey-based wound treatment...wherein the honey has a peroxide number of more than 5 ug/g honey/hour*. The polymer of Dell in combination with the cosmetic lotion of Lundmark and the wound gel of Stout would not provide for the honey-based preparation having the peroxide concentration of the presently claimed invention. Claim 11 which depends from claim 1, is thus patentable over Lundmark in view of Stout and further in view of Dell. Accordingly, the Applicant requests withdrawal of the 103(a) rejection of claim 11.

D. Claims 13-14 are rejected under 35 USC 103(a) as being unpatentable over Lundmark in view of Trenzeluk (US Patent 4,857,328). The Applicant respectfully disagrees as follows.

For the reasons provided above, Lundmark does not teach or suggest a *honey-based wound treatment...wherein the honey has a peroxide number of more than 5 ug/g honey/hour,* as recited in amended claim 1. Trenzeluk discloses "a skin therapeutic mixture ...useful for the alleviation of certain skin disorders such as ....the therapeutic agent being the extract from the dried leaves of the aloe vera plant..." (abstract). Trenzeluk does not suggest or teach *honey-based wound treatment...wherein the honey has a peroxide number of more than 5 ug/g honey/hour,* as recited in claim 1, thus the aloe vera agent of Trenzeluk in combination with the cosmetic lotion of Lundmark does not provide for the preparation of claim 1 having a peroxide concentration of 5 ug/g honey/hour. Claim as amended herein in thus patentable over Lundmark in view of Trenzeluk and claims 13-14 which depend from claim 1, are thus

also patentable over Lundmark in view of Trenzeluk. Accordingly, the Applicant requests withdrawal of the 103(a) rejection of claims 13-14.

E. Claims 17-18 are rejected under 35 USC 103(a) as being unpatentable over Lundmark in view of Hymes. The Applicant respectfully disagrees as follows.

As stated above, Lundmark does not teach or suggest a *honey-based wound treatment...wherein the honey has a peroxide number of more than 5 ug/g honey/hour,* as recited in amended claim 1. Hymes teaches a liquid absorbent that is subjected to irradiation for sterilization. The sterilization disclosure in Hymes combined with the cosmetic lotion of Lundmark does not render obvious the honey preparation having a peroxide concentration of 5 ug/g honey/hour. Thus claim 1 is patentable over Lundmark in view of Hymes, and likewise claims 17-18 which depend from claim 1 are also patentable over Lundmark in view of Hymes. The Applicant respectfully requests withdrawal of the 103(a) rejection of claims 17-18.

IV. Conclusion

The Applicant respectfully contends that all conditions of patentability are met in the pending claims. All remarks have been made without prejudice. The Examiner is respectfully requested to pass the application to issue.

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The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR §1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed, and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this paper (and any enclosure referred to in this paper) is being transmitted electronically to the United States Patent and Trademark Office on

December 19, 2007
(Date of Transmission)

Stacey Dawson
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December 19, 2007
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Enclosures: RCE petition
Petition for 3 month extension